

REMARKS/ARGUMENTS**A. Status of the Application**

Claims 1-55 are pending. Claims 37-50 are cancelled herein, but Applicants reserve the right to file other prosecution on the claims. Claims 19-23 and 28-35 are allowed. Claims 1-18, 24-27, 36, and 51-55 are rejected. Applicants have amended without prejudice and without acquiescence claims 1, 7, 24 and 25 in the interest of furthering prosecution of this case. Applicants assert that no new matter was added.

The issue outstanding for this application is as follows:

- Claims 1-18, 24-27, 36, and 51-55 were rejected under the judicially created doctrine of being indefinite for failing to particularly point out and distinctly claiming the subject matter which the applicants regards as the invention or 35 U.S.C. § 112 second paragraph.

B. Rejection under 35 U.S.C. § 112

Claims 1-18, 24-27, 36, and 51-55 were rejected under the judicially created doctrine of being indefinite for failing to particularly point out and distinctly claiming the subject matter which the applicants regards as the invention.

These rejections are respectfully traversed. The term “motivating gas” is rejected as allegedly being indefinite. Applicants refer the Examiner to page 3 line 21 in the specification for discussion of the term ‘motivating gas’. Moreover, it is a known term and is used in the claims of a variety of issued patents, cited herewith in a Supplemental Information Disclosure Statement.

Claim 1 was further modified without prejudice and without acquiescence according to the Examiner’s request by specifying the ‘process’ as a ‘synthetic fuel process’. The Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 112 for these claims.

As requested by the Examiner, claims 7 and 25 were reworded without prejudice and without acquiescence to clarify the manufacturing process of asphalt emulsion. The

Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 112 for these and any dependent claims.

Claim 24 was also reworded from '...said introducing step comprises:' to '...said step of introducing said asphalt emulsion comprises:' to make clearer the language used to describe organization of the synthetic fuel process. The Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 112 for this and any dependent claim.


Finally, the Examiner rejects independent claims 36, 51, and 52 because the process by which asphalt binders is introduced into the process is allegedly unclear. Applicants assert that the step "introducing into the process an asphalt binder" is not unclear. This is a straightforward step on the face of the claim language as it stands, and furthermore, on page 13 line 1 through Page 14 line 6, Applicants describe asphalt binders and the steps to provide them to the process in a manner in which one of skill in the art would particularly point out and distinctly claim the invention. The Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 112 for these claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P01944US1 from which the undersigned is authorized to draw.

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Respectfully submitted,

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